REMARKS

The claims are 1-23, 46, and 56-60, with claims 1, 19, and 22 being independent. Claims 46 and 56-58 are withdrawn from consideration. Claims 24-45 and 47-55 have been cancelled without prejudice or disclaimer. Claims 1 and 19-22 have been amended to cancel recitation of the term solvate. Support for claims 59 and 60 may be found in the Examples and in previously pending claim 22.

Claims 13 and 14 were rejected under 35 U.S.C. 112, second paragraph. In response, Claims 13-14 have been amended to replace the phrase "containing" for --having--. Applicants do not to understand the Examiner's apparent confusion with the use of the term "containing" in the context of these claims. In each case, the number and identity of the substituent groups for the Q phenyl moiety are provided.

Claims 1-7, 9-21, and 23 were rejected under 35 U.S.C. 102(e) as allegedly anticipated by Collins et al. (US 2004/0072868) and Collins et al. (J. Med. Chem. 2002, 45, 1963-1966). Claim 22 was rejected under 35 U.S.C. 103(a) as allegedly unpatentable over Collins et al. (US 2004/0072868) and (J. Med. Chem. 2002, 45, 1963-1966). Applicants respectfully traverse these rejections.

As Applicants argued in the previous response, the compounds of Collins have been excluded from the scope of the pending claims by virtue of the proviso in each of independent claims 1 and 19. Specifically, the last 2-5 lines of claim 1 recite:

> provided that R^{10} is not H or methyl when p is 1 and R^1 and R^2 are each H, k is 0, n is 3 and each R^4 and R^5 are H, q is 1 and R^8 and R^9 are each H, Q is unsubstituted phenyl or 4-methoxyphenyl or 2-chloro-3-trifluoromethyl-phenyl, R^6 and R^7 are each H, W^1 is unsubstituted phenyl and W^2 is unsubstituted phenyl or unsubstituted cyclohexyl

Applicants' undersigned attorney conducted a telephone interview with Examiner Oh on September 22, 2008 during which time the above proviso was discussed. Applicants' attorney noted to the Examiner that not only was this proviso present in the case at the time of filing of the parent International Application, but this proviso was also present in the priority U.S. provisional application. Accordingly, the compounds of Collins have been excluded from the scope of the present claimed invention. Withdrawal of the Section 102(e) rejections is respectfully requested.

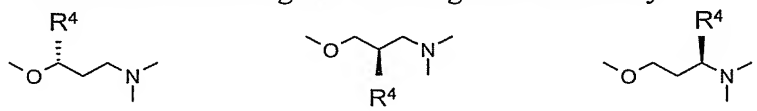
Cancellation of claim 22 renders the Section 103 rejection moot. Because the subject matter of claim 22 has been presented in claims 59 and 60, Applicants will address the section 103 rejection to the extent that it applies to the presently claimed subject matter.

Applicants wish to note that claim 59 has been drafted in accordance with claim 18 of priority document, U.S. Provisional Patent Appln. No. 60/368,426 having a priority date of March 27, 2002. This priority application was filed prior to publication of either of US 2004/0072868 (or International Patent Appln Pub. No. WO02/24632 on which the US'868 application is based) or J. Med. Chem. 2002, 45, 1963-1966. Accordingly, a Section 103 rejection is not applicable to the claimed subject matter.

Applicants respectfully submit that the compounds recited in claim 60 are patentable over the compounds disclosed in Collins. Contrary to the Examiner's assertion, the compounds of claim 60 differ from Collins by more that just the "presence or absence of an extra methyl group or two."

Collins specifically recites compounds, and a generic description thereof, having an unsubstituted amino-alkoxy linker group. Accordingly, there is nothing in Collins that would suggest whether alkyl substitution would be desired or, in particular, where such substitution should occur on the amino-alkoxy-linker group.

The subject application specifically notes that:

> When the moiety -O(CR^4R^5)$_n$- is substituted and R^4 and R^5 are different on at least one (CR^4R^5) moiety (e.g., when one of R^4 or R^5 is methyl and the other of R^4 and R^5 is hydrogen) a chiral compound is obtained. Such chiral compounds preferably possess at least one R^4 or R^5 substituent having the following stereochemistry:
>
> 
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>
> where the substituent R^4 is used merely to illustrate the stereochemical orientation of a non-hydrogen substituent (e.g., methyl).

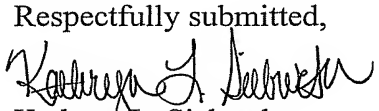
Accordingly, Applicants have not just identified where alkyl substitution is useful, Applicants have further identified specific stereochemistry associated with that specific substitution. It can be noted that each of the propoxy-chain-substituted compounds in claim 60 are chiral compounds, wherein a specific enantiomer has been identified and recited.

Other specifically claimed compounds contain novel halogen substitution and/or ring substitution at various places on the molecule (e.g., as compared to the compound of Example 16 of Collins).

Collins contains no exemplification of carboxylic acid or amide compounds having cycloalkyl substitution between the carboxylic acid or amide moiety and the phenyl moiety to which it is joined. Moreover, Collins fails to describe compounds having anything other than a carboxylic acid or amide joined directly to the phenyl moiety or joined by a single, unsubstituted, methylene group. Accordingly, Collins provides no motivation to prepare the specifically disclosed compounds having a C_4-C_8 linker group between the carboxylic acid or amide moiety and the phenyl moiety.

In view of the foregoing amendments and remarks, Applicants respectfully submit that the subject application is in condition for allowance. Applicants believe that they have addressed each of the Examiner's concerns and met each of the objections. If the Examiner has any remaining objections or concerns, the Examiner is respectfully requested to contact Applicants' undersigned attorney to resolve such issues and advance the case to issue.

Respectfully submitted,



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